HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.266 of 2007

Between:

Madabushi Yoga Narasimham

... Appellant

And

Government of Andhra Pradesh rep., by its
Principal Secretary, Secretariat,
Hyderabad and three others

... Respondents

::JUDGMENT::

Counsel for the appellant : Shri Ch. Sudersana Rao

Counsel for the respondents : Assistant Government Pleader for Home Supplies

March 30, 2007

Per G.S. Singhvi, C.J.

This appeal is directed against order dated 9-2-2007 passed by the learned Single Judge whereby he disposed of Writ Petition No. 13641 of 2006 filed by the appellant the order passed by the learned single Judge reads as under:

> "This writ petition has been filed seeking a Writ of Mandamus to declare the action of the Inspector of Police, East circle L&O Police Station, in not furnishing to the petitioner 161 statements of five persons against the petitioner as per the remand report submitted by the fourth respondent to the IV

Additional Munisf Magistrate Judge, as illegal.

2. On instructions obtained, the learned Government Pleader for Home submits that the petitioner is involved in Cr.No.187 of 2001 for the offence under Sections 143, 406, 468 and 420 of the Indian Penal Code, 1860 of Kothapet L & O Police Station, East Circle, Guntur District and in the said case charge sheet was filed on 24.12.2002 and all the documents were supplied by the concerned Court to the petitioner in the capacity of the accused. The petitioner also visited the office of the fourth respondent pursuant to his letter dated 27.12.2005 and perused the records, which are required by him. It is stated that the petitioner can obtain specific documents, which are required by him, at any time and except the documents supplied to him by the Court no more documents are available.

3. In view of the aforesaid facts and circumstances, I am of the opinion that no further orders are required to be passed in the writ petition. However, if the petitioner requires any documents, which are not supplied to him by the Court, he can specify the particulars of the documents by way of an application and on such application the fourth respondent shall furnish the same.

The writ petition is accordingly dismissed. There shall be no order as to costs."

Learned counsel for the appellant assailed the above order by arguing that the same suffers from inherent contradiction and the learned Single Judge gravely erred by declining to pass appropriate order for supply of the copies of the documents to the appellant.

In reply, learned Assistant Government Pleader for Home gave out that copy of the statements recorded under Section 161 of the Code of Criminal Procedure, 1973 will be made available to the appellant within a period of seven days from today.

In view of the above, we do not consider it necessary to go into the correctness of the reasons recorded by the learned Single Judge for passing the impugned order and dispose of the appeal as infructuous with liberty to the petitioner to apply for its revival if the

required copies of the statements are not made available to him within seven days from today.

G.S. SINGHVI, CJ

March 30, 2007

C.V. NAGARJUNA REDDY, J

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